

REMARKS

Reconsideration of this application is respectfully requested in view of the following remarks.

In an Office Action dated January 13, 2003, claims 6-15 of the present application were originally rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 6,452,925 to Sistanizadeh et al. ("Sistanizadeh"). In an Amendment filed April 15, 2003, independent claims 6 and 10 were amended to include the limitation "wherein the signaling connection and the payload connection are maintained simultaneously during data transmission." In an Office Action dated June 30, 2003, having overcome the anticipation rejection, claims 6-15 were then rejected under 35 U.S.C. § 103(a) as being obvious from Sistanizadeh, in view of Tao et. al. (Internet Access via Baseband and Broadband ISDN Gateways, published 12/4/94) ("Tao") and further in view of Wagner (U.S. Patent No. 5,917,624) ("Wagner").

Sistanizadeh is directed to a method for providing internet access via a Public Switched Telecommunications Network (PSTN). A subscriber communicates with a DHCP server to obtain a temporary IP address (Column 9, lines 50-54). The DHCP server assigns the temporary IP address to the subscriber (lease) and updates a database in a DNS (Column 12 lines 24-28). During the lease time, a data connection is established and the subscriber may receive or send data over the internet. The user may initiate termination of the lease, as indicated in Figure 9, after which data transmission ceases, requiring a re-initialization at the subscriber's personal computer to be performed to re-establish an IP address (Column 14, lines 18-25). Although the user may choose to terminate a connection before a preset lease time for the temporary IP

expires, the data line connection remains on as long as the user maintains the IP address ("The BOUND stage persists as long as the PC is on-line and has an IP" (Column 14, line 3-4)).

In contrast, claims 6, 10, and 11, recite steps for establishing a connection through a signal channel ("setting up a signaling connection between a subscriber of the communication network and a service access system," claim 6), and through a separate data channel ("setting up a payload connection associated with the signaling connection between the service access system and the subscriber," claim 6). Furthermore, the data channel is automatically connected when data is being transmitted (setting up a payload...only when there is data traffic," claim 6) and disconnected when data transmission ceases ("clearing down the payload after the data transmission," claim 6). Similar language is used to recite these features in claim 10 of the present application. Claim 11 further recites "intermittently setting up a second connection between the subscriber and the service provider when transmitting data between the subscriber and the service provider." All of the above features are disclosed, for example, in Figure 4 of the present application.

The intermittent nature of the data channel connection is a feature of the present invention that clearly distinguishes it over Sistanizadeh. In addition, Sistanizadeh does not teach or suggest the automatic connection of the second (data) channel only during data transmission.

Tao discloses general features of ISDN networks including sending transmissions over more than one channel (see, e.g., the abstract). Wagner discloses providing simultaneous telecommunications and video capability to a home. Applicants submit, however, that neither Tao nor Wagner teach or suggest the features of intermittently and automatically maintaining a

Serial No.: 09/284,581
Art Unit: 2682

Attorney's Docket No.: SIE-104
Page 4

second connection, and only during data transmission. Thus, neither of the cited references, taken singly or in combination, teach or suggest all of the features recited in claims 6, 10. and 11. Applicants therefore respectfully submit that claims 6, 10, and 11 are in condition for allowance.

Applicants further submit that in view of the forgoing arguments, and at least for their dependence on allowable claims, all the remaining claims are allowable.

In order for the above points to be further clarified and established, Applicants wish to schedule an Examiner interview in an expedited fashion. Accordingly, Applicants' representative will contact the examiner to arrange an interview to further address the above issues.

Meanwhile, should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for allowance, the Examiner is encouraged to telephone Applicants' undersigned representative at the number listed below.

SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102
Tel: 703/770-7900

Date: September 30, 2003

MAO/RAR/lrhj

Customer No. 28970

Respectfully submitted,

DIRKMANN, ET AL.

By:



Michael A. Oblon

Registration No. 42,956